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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RIGHTHAVEN LLC,

Plaintiff,

v.

MICHAEL A. NYSTROM,

Defendant.

2:10-CV-1490 JCM (RJJ)

**ORDER**

Presently before the court is the matter of *Righthaven LLC v. Nystrom*. (Case No. 2:10-cv-01490-JCM-RJJ).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice.”

Plaintiff Righthaven LLC filed its complaint (doc. #1) against Michael A. Nystrom on August 31, 2010. Pursuant to Federal Rule of Civil Procedure 4(m), on January 26, 2011, the clerk of the court provided notice to the plaintiff that the action would be dismissed if it did not file proof of service of process by February 25, 2011. (Doc. # 7). Local Rule 5-1(a) states, with regards to proof of service, that “the proof shall show the day and manner of service and the name of the person served,” and that “proof of service may be by written acknowledgment of service or certificate of the person who made service.”

To date, the court has not received proof of service as to Michael A. Nystrom as required under rule 4(m).

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above captioned case  
3 be, and the same hereby is, DISMISSED without prejudice.

4 DATED March 7, 2011.

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7 UNITED STATES DISTRICT JUDGE  
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